IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 264 OF 2007

Ravindra B. Nair and others. ... Petitioners.

V/s.

M/s.Sindhwani Automobiles. ... Respondent.

P.M.Patel for the petitioners.

D.N.Mandavia with N.G.Helekar
for the respondent.

CORAM: V.C.DAGA, J.

DATED: 6th March 2007.

P.C.:

. Heard learned counsel for the rival parties.

2. This petition is directed against the order dated 31st January, 2006 passed by the 11th Labour Court, Mumbai in Application (IDA) No.148 of 2001 filed by the petitioners/ applicants under section 33C(2) of the Industrial Disputes Act, 1947, whereby the application of the petitioners/ applicants was rejected holding it to be not maintainable. The relevant part of the reasons stated in the order reads as under:

"As the claim of the applicant is disputed

by the Opponent and there is no existing right in favor of the applicant the applicants cannot claim the amount as per Annexure-A to F from the Opponent. This court cannot determine the claim of the applicants unless there are the existing rights in favor of the applicants. As the Opponent company is small petrol pump and service station engaged in selling of pegtrolium products and repairing and service of automobiles fail under Schedule Automobile Repairing Workshops and Garage under Minimum Wages Act, 1948 where the Minimum rates of wages payable to Petrol Filler, cashier, Servicemem are clearly specified. The notification of Government of Maharashtra dates 9.7.1985 and 6.12.1996 for minimum wages and special allowance would not be applicable to the Opponent Petrol Pump as the Opponent fall under automobile repairing workshop and garages....."

3. Having gone through the findings recorded by the Labour Court, no fault can be found with the view taken. The view taken by the court below is a reasonable and possible view, rather a correct view. the said view cannot be said to be a perverse view, as such no interference with the impugned order is called for.

4. Petition is, thus, dismissed in limine with no order as to costs.

(V.C.DAGA, J.)